

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (withdrawn-currently amended): A method for selecting an *Escherichia coli* strain which ~~highly~~ expresses a phenylalanine ammonia lyase gene, ~~comprising selection the~~ strain being selected using hydrogen peroxide decomposition activity as a stress response index wherein the stress response index of said *E. coli* selection strain is greater than about 1.0,

wherein the phenylalanine ammonia lyase gene is a gene whose expression tends to decrease by causes other than loss or mutation of the plasmid when introduced into an *Escherichia coli* other than said selection strain, and

wherein the initial amount of said phenylalanine ammonia lyase gene expression is maintained or enhanced during subculture,

said method comprises selecting the *E. coli* strain using the intensity of stress response as an index.

2. (canceled).

3. (canceled).

4. (currently amended): An *Escherichia coli* selection strain which expresses a phenylalanine ammonia lyase gene, the strain being selected using hydrogen peroxide decomposition activity as a stress response index wherein the stress response index of said *E. coli* selection strain is greater than about 1.0,

wherein the phenylalanine ammonia lyase gene is a gene whose expression tends to decrease by causes other than loss or mutation of the plasmid when introduced into an *Escherichia coli* other than said selection strain, and

wherein the initial amount of said phenylalanine ammonia lyase gene expression is maintained or enhanced during subculture.

5. (canceled).
6. (canceled).
7. (canceled).
8. (canceled).
9. (canceled).
10. (currently amended): The *Escherichia coli* selection strain according to ~~claim 6~~ claim 4, wherein the phenylalanine ammonia lyase gene is derived from a plant.
11. (previously presented): The *Escherichia coli* selection strain according to claim 10, wherein the plant is *Lithospermum erythrorhizon*.
12. (previously presented): The *Escherichia coli* selection strain according to claim 4, wherein the *Escherichia coli* selection strain is derived from K12 strain.
13. (previously presented): The *Escherichia coli* selection strain according to claim 12, wherein the *Escherichia coil* selection strain is derived from XL 1-Blue strain.
14. (canceled).
15. (canceled).
16. (original): *Escherichia coli* SD840 strain (Deposit No. FERM BP-08546).
17. (canceled).

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 10/538,291

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18. (canceled).

19. (canceled).